

TC-5-11 Food Trucks

Amends the Zoning Code to permit Food Trucks to locate on private property throughout the City as a secondary use subject to the following:

- Located on a lot containing a principal building(s) or use zoned SC, NB, BUS, TD, I-1 or I-2;
- Located a minimum of 50 feet from the main entrance or outdoor dining area of any business selling food and any permitted food vending cart location unless the owner of the subject business gives written permission;
- Shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic;
- Shall not occupy parking spaces required to fulfill the minimum requirements of the principal use;
- No free-standing signage or audio amplification shall be permitted;
- Hours of operation *shall* be limited to between 6:00 a.m. and 3:00 a.m.;
- Vendors *shall* remove all waste and trash at the end of each day and no liquid waste or grease shall be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system.
- Zoning Permit approval. Prior to the issuance of the zoning permit, the vendor shall provide evidence of having obtained a City of Raleigh Business License, NC Sales and Use Certificate, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This zoning permit shall be required to be renewed annually.
- If at any time evidence of the improper disposal of liquid waste or grease is discovered, the zoning permit shall be rendered null and void and the food truck business shall be required to cease operation immediately.
- If at any time, the Wake County Environmental Services revokes or suspends the issued food vending permit, the City permit is revoked or suspended simultaneously.

4/1/11

ORDINANCE NO. (2011)

TC

TC-5-11

AN ORDINANCE TO AMEND THE ZONING CODE TO PERMIT FOOD TRUCKS TO LOCATE ON DEVELOPED LOTS COMMERCIALY-ZONED SUBJECT TO CONDITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Section 10-2002(b), **DEFINITIONS**, to include the following new definition in alphabetical order:

“Retail sales – food truck. A licensed, motorized vehicle which is temporarily stored on a *premise* where food items are sold to the general public all in accordance with the standards of §10-2072, *Retail sales – food trucks.*”.

Section 2. Amend Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **COMMERCIAL** category, under the “*Retail sales*” heading, by inserting a new sublisting immediately following the “*Convenience*” sublisting to read as follows:

“Food Truck”.

Furthermore, within this new land use listing, place a conditional use symbol (open circle) within the **SC, NB, Bus Zone, TD, I-1** and **I-2** columns.

Section 3. Amend Section 10-2072 by including the following new conditional use listing in alphabetical order:

“- Food truck (see Retail sales – food truck)”.

Section 4. Amend Section 10-2072(b), **Uses enumerated**, to include the following new conditional use listing in alphabetical order:

“Retail sales – food truck.

A retail sales – food truck in the Shopping Center, Neighborhood Business, Business, Thoroughfare, Industrial-1 or Industrial-2 zoning district *shall* meet all of the following:

- (1) Food trucks *shall* only be located on a *lot* containing a principal *building(s)* or use.
- (2) Food trucks *shall* be located a minimum of fifty (50) feet from the main entrance to any business selling food and any permitted food vending cart

location unless the owner of the subject business or vending cart gives written permission for the infringement of the no-vending area. Food trucks *shall* be located a minimum of fifty (50) feet from any outdoor dining area not located on the *premises*.

- (3) Food trucks *shall* be located a minimum of five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/ exit ways, or emergency call box and *shall* not locate within any area of the *lot* that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (4) Food trucks and its associated seating, if any, *shall* not occupy parking spaces required to fulfill the minimum requirements of the principal use per §10-2081 of this Code, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor *shall* the food truck and its associated seating, if any, occupy parking spaces which *may* be leased to other businesses to fulfill said businesses' minimum parking requirements.
- (5) No free-standing signage or audio amplification shall be permitted as part of the food truck vending operation.
- (6) Hours of operation of food trucks *shall* be limited to the hours between 6:00 a.m. and 3:00 a.m. The food truck operator or his/her designee must be present at all times except in cases of an emergency.
- (7) Food trucks *shall* be removed from all permitted locations between 3:00 a.m. and 6:00 a.m. and *shall* not be stored, parked, or left overnight on any public *street* or sidewalk.
- (8) The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors *shall* remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor *shall* keep all areas within five (5) feet of the truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances *shall* grease be released or disposed of in the City's sanitary sewer system.
- (9) All equipment required for the operation *shall* be contained within, attached to or within three (3) feet of the food truck and all food preparation, storage, and sales/distribution *shall* be in compliance with all applicable Local, State and Federal Health Department sanitary regulations.

- (10) That a City of Raleigh Zoning Permit be obtained for the food truck business and all required Wake County and City of Raleigh permits and licenses *shall* be clearly displayed on the food truck. Prior to the issuance of the zoning permit, the vendor *shall* provide evidence of having obtained a City of Raleigh Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This zoning permit *shall* be required to be renewed annually.
- (11) If at any time evidence of the improper disposal of liquid waste or grease is discovered, the zoning permit shall be rendered null and void and the food truck business *shall* be required to cease operation immediately.
- (12) If at any time, the Wake County Environmental Services revokes or suspends the issued food vending permit, the City permit is revoked or suspended simultaneously.

Section 5. Amend Section 10-2072(b), **Uses enumerated**, within the “**Retail sales – outdoor mobile vending cart**” listing, to add the following new sentence to the end of subsection (5):

“This zoning permit *shall* be required to be renewed annually.”.

Section 6. Amend Section 10-2088 to include the following new listing in alphabetical order:

“- *Retail sales – food truck* approved in accordance with §10-2072(b).”.

Section 7. Amend Section 10-6039(e) relating to permit fees to include the language “*retail sales - food truck*,” between the words “retail sales – outdoor mobile vending cart, “ and “fence”.

Section 8. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 11. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 12. This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 13. This ordinance shall become effective five (5) days following its adoption.

ADOPTED:
EFFECTIVE:
DISTRIBUTION: